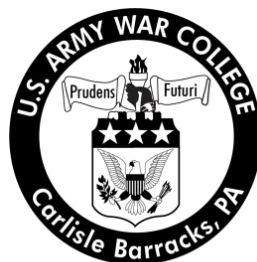


# Civilian Research Project

## Domestic Support: Relationship of Government Agencies and the DoD

by

Lieutenant Colonel David L. Dodd  
United States Army National Guard



United States Army War College  
Class of 2012

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USAWC CIVILIAN RESEARCH PROJECT

**DOMESTIC SUPPORT: RELATIONSHIP OF GOVERNMENT AGENCIES AND THE  
DOD**

by

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## **ABSTRACT**

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Military support to civilian authorities has always been one of the missions of the Department of Defense (DoD). With the increased threat that a weapon of mass destruction (WMD) could be deployed within our borders and the continuing threat of environmental disasters, are the varying levels of government and Department of Defense prepared?

Although the primary focus of DoD has been on supporting WMD events, in the aftermath of Hurricane Katrina, it became obvious that there will be natural disasters of such catastrophic force, that federal Title 10 forces will be required to assist. With this increased emphasis on the use of federal forces in both events, have we created the right force structure to provide a seamless and timely response between the differing agencies?

This paper will identify the differing governmental agencies responsible for domestic relief activities and discuss force structure changes by DoD to provide a more comprehensive response to civilian authorities. The analysis will address the following:

- 1) Is the DoD prepared to provide a coordinated and integrated relief effort?
- 2) Effects

of the Posse Comitatus Act 3) If current plans are not adequate, recommendations to increase our domestic response relief efforts.



## DOMESTIC SUPPORT: RELATIONSHIP OF GOVERNMENT AGENCIES AND THE DOD

*“Effective response to mass emergencies is a critical role of every level of government. It is a role that requires an unusual level of planning, coordination and dispatch among governments’ diverse units. Following the terrorist attacks of 9/11, this country went through one of the most sweeping reorganizations of federal government in history. While driven primarily by concerns of terrorism, the reorganization was designed to strengthen our nation’s ability to address the consequences of both natural and man-made disasters. In its first major test, this reorganized system failed. Katrina revealed that much remains to be done”<sup>i</sup>*

Since the birth of our great nation, the federal government’s response to catastrophic events in a state did not receive national media attention nor did our leaders in Washington pay particular attention to the requirement of disaster responses unless they happened to occur in their specific districts. Since then, “Homeland Security”, “Homeland Defense” and “Homeland Support” have leapt to the forefront of national attention and become household terms.

When we hear these terms, there are two events that spring immediately into our minds. The first act, perpetrated by terrorists against the United States on 11 September 2001(9-11), revealed how vulnerable our homeland had become.<sup>ii</sup> The second act was the perfect storm, Hurricane Katrina, which quickly became one of the largest natural disasters to strike the United States<sup>iii</sup>. The first was created by man and the second by Mother Nature. It can be argued that while these acts were both great response failures, they also spurred sweeping changes designed to greatly increase the United States’ preparedness to unprecedented heights in order to protect our citizens from both human actors and environmental catastrophes.

Although these three terms are interrelated in many aspects, they all require distinctly different plans, actors (federal, military and state) and capabilities to prevent, deter, fight and respond in support of. All three can be applied to a single event, but this paper will examine the “Support” piece of the triad, specifically to answer “who are the major players when a significant event occurs within our borders” and “are we better prepared to provide the requisite support”?

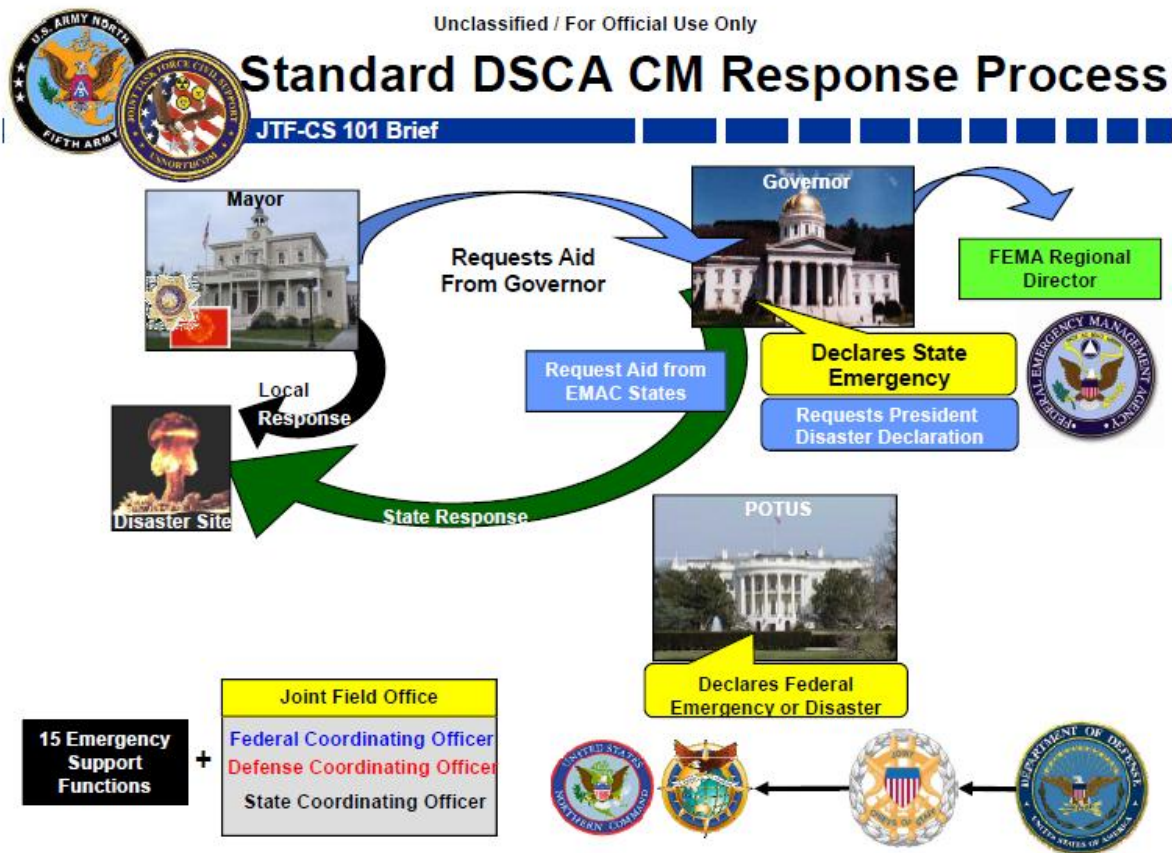
The 9-11 terrorist events created the greatest organizational changes within our federal government since the consolidation of the Department of Defense under President Harry Truman<sup>iv</sup>. These sweeping changes within our federal government are the direct results of conclusions from the investigations following the attack. We believe the 9/11 attacks revealed four kinds of failures: in imagination, policy, capabilities, and management<sup>v</sup>. Although the commission exposed failures across the board, specific responses to the attacks revealed the great successes of the different responsible agencies, both federal and state.

Hurricane Katrina prompted our federal Government to closely examine responses to natural disasters. The Senate’s subsequent investigation and hearings found that varying government agencies at all levels had failed, with a few exceptions. Specific findings included, “Top officials at every level of government – despite strongly worded advisories – did not appear to truly grasp the magnitude of the storm’s potential for destruction before it made landfall”<sup>vi</sup>. To all who witnessed these events unfold, it is apparent that lives could have been saved if we had adequately prepared for and responded with the full capabilities available to our leaders.

When both disasters are examined, we identify a myriad of dropped balls ranging from failure to fully anticipate the event, to the government's inadequate response once an event occurs. Yet, have we applied the lessons learned, especially in the response arena? Are we better prepared today to deal with the after effects of a disaster to save the lives of our citizens and help them get on the road to recovery quicker?

### **Who Are the State Domestic Response Actors**

Historically, local officials have had the responsibility to provide support in response to disasters. Emergency response normally begins at the lowest possible level with local first responders. Once local government officials determine that their capabilities have or will become overwhelmed, they will request assistance from the state governments. In turn, state governments request federal resources when the capabilities at both the local and state level become overwhelmed. During this entire process, the federal government can be providing financial support, even when no federal agency is directly providing physical support. The following illustration demonstrates the physical response<sup>vii</sup>:



Individual states have designated agencies and operations centers tasked with the responsibility to develop, implement and execute operations in support of catastrophic events. Texas has designated the Emergency Management Division under the Department of Public Safety to “plan and carry out programs to aid the State, local governments, and individual citizens in preparing for, responding to, and recovering from emergencies and disasters – natural, technological, or man-made”<sup>viii</sup>. Texas further delegates disaster decision making down to Mayors and Judges, giving them the authority for “Declaring a local state of disaster when appropriate. After such declaration, they may issue orders or proclamations invoking specific emergency

powers of those granted the Governor in the Texas Disaster Act on an appropriate local scale to respond to and recover from the disaster.”<sup>ix</sup>

Along with state agencies, each has military forces operating under the control and direction of the Governor. Unlike the federal Army and the US Army Reserve, these forces have two distinct and separate chains of command in order to execute both state and federal missions. Mainly funded and equipped by the federal government, the Army and Air National Guards fall under state control during peace time, with the Governor as Commander in Chief, while also remaining subject to being called to Federal Active Duty by the President of the United States.

Most states have military capabilities within their National Guard units to respond and provide requisite support to civilian authorities in times of any disaster within their local jurisdictions. All states have some type of combat or combat support unit (Infantry, Artillery, Military Police, etc.) to provide crowd control, law enforcement and general security type missions as well as combat service support units (Transportation, Medical, Engineers, etc.) to provide general logistics support such as vehicles with deep fording capability, field feeding, mass casualty evacuation, etc., to their civilian populations during catastrophic events.

National Guard units are present in over 3,000 communities across the nation and are uniquely situated to provide immediate response to any disasters.

Guardsmen’s role as “citizen soldiers” ensures that they have a close link to their communities and are personally invested in appropriate responses to support their families and prevent property damage. Although unit members may be “truck drivers”, “infantry grunts”, or “personnel officers” in the military, they are also your local police

officers, firemen, doctors, builders, welders, etc... in their civilian jobs<sup>x</sup>. Not only do they bring professional military skills to bear in state emergencies, they bring their civilian skills which give the governors and military commanders greatly enhanced capabilities within their formations.

Two additional factors enhance the state's National Guard unit's capabilities providing assistance during and after catastrophic events. The military leadership will be familiar with any vulnerabilities or weaknesses existing within their state, and in a majority of states; or the National Guard Leaders are members of the state's emergency management systems. Additionally, many of the state's Adjutants General wear a second hat as the head of their state emergency agencies<sup>xi</sup>.

Most states, and especially the gulf coast states, have standing Emergency Management Assistance Compacts (EMAC) wherein military members of one state's Guard may operate in another state. The supporting state's Adjutant General surrenders command and control of his deployed forces to the Adjutant General of the supported state<sup>xii</sup>. These agreements were successfully executed during the massive support effort following Hurricane Katrina.

### **The Federal Actors**

As discussed above, primary responsibility for responding to and providing relief support in homeland disaster incidents lies with local and state authorities. When their capabilities become overwhelmed, how do state officials request federal assistance? In 2002, with passage of the Homeland Security Act, the Federal government consolidated the emergency response capabilities of four agencies under the Department of Homeland Security. The Secretary of Homeland Security was given the primary

oversight responsibility for the Federal Emergency Management Agency (FEMA), the Office of Emergency Preparedness, the National Disaster Medical System, and the Metropolitan Medical Response System of the Department of Health and Human Services, while the Federal Emergency Management Agency remained the lead agency within the Federal system.<sup>xiii</sup>

As the lead federal cabinet head, the Secretary of Homeland Security is directed by the Act to:

1. Coordinate the Federal government's response to both natural and man-made disasters, including terrorist attacks, that occur within the United States;
2. Develop and implement a comprehensive national incident management system that enables Federal, state, and local governments to efficiently coordinate the mobilization of resources during emergency response; and
3. Consolidate the existing emergency response plans of individual Federal agencies into a single, comprehensive national response plan<sup>xiv</sup>.

Before, each federal agency developed its own set of disaster plans and acted independently without a coordinated effort in responding to states' requirements. This consolidation of federal agencies addressed the disjointed effort at the federal level; it still left any response effort disjointed between state command and control, and federal command and control.

While the Homeland Security Act provided for the consolidation of agencies plans and systems, it did not address the processes, authorizations, and to what extent federal resources might be spent in support of disasters. These issues are addressed in the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act), which identifies types of assistance, limitations, establishes eligibility for assistance and the

conditions that may warrant presidential action, and addresses the appropriations to the Disaster Relief Fund, administered by DHS<sup>xv</sup>.

Governors of the affected states must request federal assistance through the FEMA Regional Director who in turn submits the request to the FEMA Director. Under the Stafford Act, approval for the use of federal assets rests with the President of the United States (POTUS). No federal resources (fiscal, personnel, equipment or supplies) may be utilized until the POTUS has declared a “federal emergency or disaster”<sup>xvi</sup>.

An additional reform involved the issuance of Homeland Security Presidential Directive No. 5 (HSPD-5) signed by President George Bush in 2003. President Bush’s Directive created “a single, comprehensive national incident management system” and directed the Secretary of Homeland Security to “develop and administer a National Incident Management System (NIMS) and a National Response Plan (NRP)”<sup>xvii</sup>.

The National Incident Management System provides a standardized nationwide approach to domestic incident management equally applicable to all jurisdictions and across functional lines. To a large extent, the NIMS address organizational structure, method of operation, resource management and communications. HSPD-5 requires that Federal preparedness assistance be conditioned on full compliance with the NIMS<sup>xviii</sup>.

The National Response Plan established “a comprehensive, national, all-hazards approach to domestic incident management across a spectrum of activities including prevention, preparedness, response and recovery”<sup>xix</sup>. The NRP identifies fifteen emergency support functions at the Federal level and the agency or department



responsible for providing or coordinating that function. These functions and responsible entities are<sup>xx</sup>:

Emergency Support Function	Responsible Department/Agency
Transportation	Dep't of Transportation
Communications	Dep't of Homeland Security
Public Works and Engineering	Dep't of Defense/U.S. Army Corps of Engineers
Firefighting	Dep't of Agriculture/Forest Service
Emergency Management	Dep't of Homeland Security/Emergency Preparedness and Response/FEMA
Mass Care, Housing, and Human Services	Dep't of Homeland Security/Emergency Preparedness and Response/FEMA
Resource Support	General Services Administration
Public Health and Medical Services	Dep't of Health and Human Services
Urban Search and Rescue	Dep't of Homeland Security/Emergency Preparedness and Response/FEMA
Oil and Hazardous Materials Response	Environmental Protection Agency
Agriculture and Natural Resources	Dep't of Agriculture
Energy	Dep't of Energy
Public Safety and Security	Dep't of Homeland Security/Dep't of Justice
Long-term Community Recovery and Mitigation	Dep't of Homeland Security/Emergency Preparedness and Response/FEMA
External Affairs	Dep't of Homeland Security

With so many differing departments/agencies providing support, it is easy to see how the Federal response could quickly become disjointed without a single agency or department with overall command and control responsibility.

### **Department of Defense Role in Domestic Response**

Department of Defense (DoD) military forces have always played a key role in providing support to civilian authorities when the scope of required capabilities outweighed the local relief efforts abilities. Although all military forces (Army, Navy, Air Force and Marines) are at DoD's disposal for use, normally two of the Army's three components are called upon to support civilian authorities. First, The Army's Title 10 active duty units which provide aid in a strictly narrow support role and second, the

National Guard which may be utilized within the narrow Title 10 support role, or in its much broader Title 32 state role. Under very limited instances, Army Reserve units may be mobilized for duty in support of civilian authorities.

The Stafford Act authorizes the President to utilize DoD resources in the “immediate aftermath” of a disaster which may ultimately qualify for Federal aid and “for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property”<sup>xxi</sup>.

Additionally, the military has an “inherent emergency power” which is not based on statutory authority but finds its roots in the U.S. Government’s inherent constitutional right “to insure the preservation of public order and the carrying out of governmental operations within its territorial limits.”<sup>xxii</sup> This exception is included in DoD regulations pertaining to “Military Support to Civilian Authorities”, is limited in scope and covers

“Actions that are taken under the inherent right of the U.S. Government, a sovereign national entity under the U.S. Constitution, to ensure the preservation of public order and to carry out governmental operations within its territorial limits, or otherwise in accordance with applicable law, by force, if necessary.”<sup>xxiii</sup>

Use of military forces in support of local civil authorities is invoked primarily to; (1) “protect Federal property and Federal governmental functions” when local authorities fail to provide adequate protection, and (2) “prevent loss of life or wanton destruction of property and to restore governmental functioning and public order when sudden and unexpected civil disturbances, disasters, or calamities seriously endanger life and property and disrupt normal governmental functions to such an extent that duly constituted local authorities are unable to control the situations.”<sup>xxiv</sup>

Although the DoD recognizes that the use of military forces for domestic missions is forbidden without specific request from a state's governor and authorization of the President, DoD Directive 3025.12 allows the use of military forces in the absence of Presidential approval under certain emergency circumstances when:

"the use of Military Forces is necessary to prevent loss of life or wanton destruction of property, or to restore governmental functioning and public order. That "emergency authority" applies when sudden and unexpected civil disturbances (including civil disturbances incident to earthquake, fire, flood, or other such calamity endangering life) occur, if duly constituted local authorities are unable to control the situation and circumstances preclude obtaining prior authorization by the President."<sup>xxv</sup>

DoD officials and commanders must use all means available to seek out and acquire Presidential authorization through the chain of command while applying this emergency authority. Because this power is based upon a constitutional mandate, DOD maintains that it may utilize the emergency power regardless of whether the President has declared an emergency thereby authorizing the use of military forces, and irrespective of the limitations imposed by the Posse Comitatus Act, which states:<sup>xxvi</sup>

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both"<sup>xxvii</sup>.

Enacted in 1878 following Reconstruction, the Posse Comitatus Act prohibits the use of federal military forces in performing civilian law enforcement tasks. However, there are no restrictions on federal military units providing support such as debris clean-up, transportation, search and rescue, medical support or damage assessment.

Although there are opposing viewpoints to the generally accepted applicability of the Act, it is generally interpreted to ban the use of U.S. military forces to enforce

domestic laws or perform traditional civilian law enforcement duties such as investigating crimes or arresting and incarcerating individuals suspected of breaking civilian laws except as otherwise allowed by federal law or the Constitution.

The most notable exception to the Posse Comitatus Act is the use of state National Guard units in conducting state active duty (SAD) missions. In these instances, the state's military units are acting under the authority of the state's Governor as the state commander in chief, and not as a federal military force. Other notable exceptions included:

1. The US Coast Guard.<sup>xxviii</sup> Although a U.S. military armed force, the Coast Guard falls under the Department of Homeland Security.
2. The Insurrection Act<sup>xxix</sup>.
3. Assistance in the case of crimes involving nuclear materials<sup>xxx</sup>.
4. Emergency situations involving chemical or biological weapons of mass destruction<sup>xxxi</sup>.

DoD has implemented significant changes in how it has provided support to civilian authorities. In 2002, DoD established United States Northern Command (USNORTHCOM) to provide command and control of all Department of Defense efforts in support of civil authorities. USNORTHCOM's specific mission is to conduct homeland defense, civil support and security cooperation to defend and secure the United States and its interests. With the creation of USNORTHCOM, DoD consolidated under one single command existing domestic support missions previously executed by other DoD organizations<sup>xxxii</sup>. The command is comprised of members from all of DoD's military services including the reserve components.

USNORTHCOM is responsible for planning and executing homeland defense and civil support missions. It has very few units assigned but maintains several permanent standing Joint Task Forces (JTF) responsible for deployment and

assumption of command and control over Title 10 military forces deployed whenever necessary as ordered by the president or secretary of defense<sup>xxxiii</sup>.

The USNORTHCOM permanent subordinate command that has primary responsibility for military support of civilian authorities is U.S. Army North (ARNORTH) located at Fort Sam Houston, Texas. As the Army Service Component Command of U.S. Northern Command (USNORTHCOM), it provides command and control of Department of Defense (DoD) military units deployed in support to civilian authorities<sup>xxxiv</sup>.

ARNORTH coordinates and works daily with each of the 10 FEMA regions to plan for and conduct civil support operations. ARNORTH has two permanent JTF's; Joint Task Force – North responsible for providing support to law enforcement agencies within ARNORTH's area of responsibility and Joint Task Force – Civil Support, responsible for managing the consequences of Chemical, Biological, Radiological, Nuclear and high yield Explosive (CBRNE) catastrophes across the United States<sup>xxxv</sup>.

Even with the steps taken by the Department of Defense to strengthen military shortfalls of the past<sup>xxxvi</sup> and despite the fact that DoD forces generally have more capability to quickly mobilize and deploy assets than its other civilian federal counterparts, there still remains the difficulty of maintaining ready dedicated troops prepared to respond to a domestic catastrophic event, particularly in light of the Army's constant troop demands to support the contingency operations in Iraq and Afghanistan.

DoD has created several different types of units designed to provide capabilities to assist with certain types of events when local authorities become quickly

overwhelmed. As early as 1998, DoD stood up 10 Weapons of Mass Destruction – Civil Support Teams (WMD-CST). These teams were established to “deploy rapidly to assist a local incident commander in determining the nature and extent of an attack or incident; provide expert technical advice on WMD response operations; and help identify and support the arrival of follow-on state and federal military response assets<sup>xxxvii</sup>”. These 22- man teams were added to the National Guards full-time force structure providing expertise and capabilities to assist a state’s emergency response forces in preparing for and responding to chemical, biological, radiological or nuclear (CBRN) incidents. Today, there are 57 WMD-CST’s located in every state, territory, and the District of Columbia<sup>xxxviii</sup>.

CBRNE Enhanced Response Force Packages (CERFP) were established in the mid-2000’s to conduct casualty search and extraction, medical triage and treatment, decontamination operations and fatality search and recovery missions. Also, a National Guard asset but unlike the WMD-CSTs, the CERFPs were units consisting of 170 traditional guardsmen with a small staff of full-time personnel. 17 CERFPs are spread throughout the US and are designed to provide a rapid response within 6-12 hours of an incident<sup>xxxix</sup>.

While both the WMD-CST and the CERFPs are designed as rapid response forces (hours instead of days), their primary goals are to provide initial assessments to determine follow on military force capabilities and requirements and to conduct immediate, critical life-saving missions; they are not designed to conduct sustained operations. To fill this capability gap, DoD created the Chemical, Biological,

Radiological, Nuclear and High Yield Explosive (CBRNE) Consequence Management Reaction Force (CCMRF).

The CCMRF is a task force comprised of capabilities found in both Active and Reserve Component structure with the Reserve Component forces responding in a federalized status. The CCMRF's primary role is to augment the consequence management efforts of the state's first responders in a CBRNE event<sup>xi</sup>.

Of the 4,700 personnel assigned to the CCMRF, 2,900 are Army personnel with the remaining personnel and capabilities supplied by the other services. Capabilities of the CCMRF include robust command and control, comprehensive decontamination of personnel and equipment, hazardous material handling and disposal, air and land transportation, aerial evacuation, and sustainment<sup>xli</sup>. Of note, to avoid any potential violations of the Posse Comitatus Act, there are no security forces assigned.

CCMRF provides aid and support in the event of catastrophic events such as terrorist attacks on U.S. soil or an accidental CBRNE incident which would produce catastrophic results likely to overwhelm the civil authorities' response capabilities<sup>xlii</sup>. While these developments greatly increase the DoD's domestic response readiness, it still leaves gaps in the Title X and Title 32 command relationships. Response times could still take days, and questions remain about who would be responsible for security at the catastrophe site.

To address these issues, the Secretary of Defense has approved a plan to restructure the CCMRFs to include integrated state response capabilities by standing up 10 National Guard Regional Homeland Response Forces (HRF). These geographically

distributed HRFs located in each FEMA region will improve the ability of DoD to quickly respond to major or catastrophic CBRNE CM event by providing the necessary life saving capabilities to the incident area within hours rather than days<sup>xliii</sup>.

Each unit is scheduled to have 570 Guardsmen assigned, and will be comprised of a medical team, a search and extraction team, a decontamination team and very robust command and control capabilities along with a security element. The units are required to have the first response en route within six hours notice<sup>xliv</sup>.

These units will provide a presence in each FEMA region able to provide timely life-saving capabilities within the first 48 hours of an event and, when necessary, to establish a regional command and control structure synchronizing all SAD/Title 32 CBRNE response forces and prepare for follow-on forces. Each HRF is intended to be a USNORTHCOM asset operating in a state status, bridging that Title X/Title 32 command and control capability gap. The HRF, along with the WMD-CSTs and CERFPs, as state military forces, provide those initial site responses and conduct security missions without violating the Posse Comitatus Act; but they may be federalized if required.

## **RECOMMENDATIONS**

The following recommendations will ensure that DoD can provide the requisite support in response to a catastrophic event:

1) Although DoD has created dedicated forces for use in domestic catastrophic events, they are concentrated strictly on CBRNE response capabilities. Certification exercises are based solely on response to that type of event. Large scale natural disasters are not factored into these exercises. These response forces are capable of



responding to both types of events, but are being set up for failure by a lack of planning and practice for a Hurricane Katrina type event or especially for a multiple catastrophic disaster such as the Japanese earthquake, tsunami and nuclear incident.

2) DoD must clearly address and define the command and control responsibilities (Title X versus Title 32) of military formations for all types of disaster responses. We have made strides in building the requisite mix of forces for a response, but must further refine the command and control relationships in different types of scenarios. DoD must address and exercise who is in charge at each level, including internal and external logistics support responsibilities.

3) The federal government and DoD should establish a combined school and training facility dedicated to educating both government actors and DoD personnel in the processes, capabilities and actions of each level of responders. This education process should include a capstone event bringing all levels of governmental support together in responding to a catastrophic event.

4) DoD should include domestic response education at all levels of the officer education system. With the forthcoming budget cuts and troop reductions, it is going to be important that leaders at all levels understand the DoD's disaster relief responsibilities.

5) DoD must develop detailed plans, assign responsibility and establish dedicated sites to fully integrate military forces as they deploy in support of civilian authorities.

6) US Congress needs to revisit the Posse Comitatus Act for relevance in today's operating environment. Numerous laws already exist that address Title X military

forces' ability to exercise "law enforcement" type activities within the U.S borders.

Repealing the act would enable greater cooperation and coordination between military installation commanders and local civilian authorities in addressing emergency events within that area.

## **CONCLUSION**

Throughout the history of the United States, government agencies and the military have responded to catastrophic events within our borders. Until 2001, and certainly as late as the 1995 Murrah Building bombing in Oklahoma City, relief support for the civilian population was viewed as the sole responsibility of local government jurisdictions. In the immediate future, threats by terrorists (both domestic and foreign) will continue to threaten our cities, infrastructure, major venues, and our government entities for the foreseeable future, and in all probability, will be the norm instead of the exception. Environmental threats will continue as man will never be able to harness and control Mother Nature. The probability for extensive damage to both humans and infrastructure is constant, with the likelihood of an event quickly overwhelming local authorities.

Governments at all levels must address these threats and continuously assess capabilities for providing support for our civilian population. With all the differing governmental actors involved, it is easy to wrongly assume that another response actor has requisite skills and capabilities needed to support an overwhelmed local jurisdiction. The National Incident Management System and the National Response Plan must be not be allowed to sit on a shelf to collect dust. Responsible agencies charged with

response capabilities must coordinate and practice their plans, adjusting responses based on ever-changing requirements.

As the Department of Defense resets and settles into its roles with reduced force structure and budgets, we must continue to keep our domestic response capabilities as a high priority. Our domestic response support plans must be exercised in conjunction with the civilian government National Response Plan to gain and maintain a working knowledge of each entities capabilities and limitations to better complement relief efforts.

Great strides have been made in the development of dedicated military units designed to support civilian authorities, but DoD must address command and control issues to include both Title X and Title 32 forces to gain unity of effort. As a consequence of our war-time mission readiness, DoD forces are in the best position, both in location and capabilities, to provide rapid, life-saving capabilities and significantly lessen the impact of disasters. Through properly coordinated planning, training, and exercises with our civilian agency counterparts, domestic relief assets can be brought to bear to effectively minimize loss of life and property in future catastrophic events.

## **ENDNOTES**

<sup>i</sup> S. Rep. 109-332, at 2 (2006)

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<sup>iii</sup> Government Accountability Office, “Hurricane Katrina, Better Plans and Exercises Needed to Guide the Military’s Response to Catastrophic Natural Disasters”, GAO-06-643, (Washington, D.C., May 15, 2006)

<sup>iv</sup> “Homeland Security Department, Secretary of Homeland Security”. (nd) The Washington Post, retrieved from [www.washingtonpost.com](http://www.washingtonpost.com).

<sup>v</sup> National Commission on Terrorist Attacks Upon the United States (2004). *The 9/11 Commission Report*, New York: W.W. Norton and Company,. Pg. 339. ISBN 0393326713.

<sup>vi</sup> S. Rep. 109-332, at 43 (2006).

<sup>vii</sup> Ken Barber, JTF-CS 101 Brief, United States Northern Command, 2008

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<sup>x</sup> Jay Smith, “A Changing of the Guard: The U.S. National Guard and Homeland Defense.” BCSIA Discussion Paper 2003-04, ESDP Discussion Paper ESDP 2003-01, John F. Kennedy School of Government, Harvard University, May 2003

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<sup>xii</sup> MG Timothy J. Lowenberg, “The Role of the National Guard in National Defense and Homeland Security”, National Guard Association of the United States, pg 6

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<sup>xviii</sup> Ibid.

<sup>xix</sup> “Federal Authorities for Disaster Response” (nd) Center for Strategic and International Studies, Pg 3, retrieved from <http://csis.org/>.

<sup>xx</sup> “Federal Authorities for Disaster Response” (nd) Center for Strategic and International Studies, Pg 4, retrieved from <http://csis.org/>.

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- <sup>xxii</sup> “Federal Authorities for Disaster Response” (nd) Center for Strategic and International Studies, Pg 6, retrieved from <http://csis.org/>.
- <sup>xxiii</sup> U.S. Dep’t of Defense, DoD Cooperation With Civilian Law Enforcement Officials, DoD Dir. 5525.5 (Encl. 4) § E4.1.2.3 (1989)
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- <sup>xxv</sup> U.S. Dep’t of Defense, Military Assistance for Civil Disturbances, DoD Dir. 3025.12 § 4.2.2. (1994).
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- <sup>xxvii</sup> The Posse Comitatus Act, Title 18 USC, Sec 1385.
- <sup>xxviii</sup> Coast Guard, Title 14 USC Sec 89.
- <sup>xxix</sup> Armed Forces, 10 USC Sec 331-335
- <sup>xxx</sup> Crimes and Criminal Procedures, Title 18 USC, Sec 831
- <sup>xxxi</sup> Armed Forces, Title 10 USC, Sec 382
- <sup>xxxii</sup> *About NORTHCOM*. (n.d.). Retrieved from <http://www.northcom.mil>
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- <sup>xxxiv</sup> Ibid
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